

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	AMENDED ORDER
)	
v.)	
)	
Deacon Kennedy Jones,)	Case No.: 1:23-cr-097
)	
Defendant.)	

On November 15, 2023, Defendant filed a *Motion for Release from Custody*. (Doc. No. 167). Advising that Defendant has been accepted into the F5 Project's housing program, he requests to reside at the facility in Bismarck as a bed is currently available.

There being no objection from the United States, the court **GRANTS** the Defendant's motion. (Doc. No. 167). Defendant shall be released no earlier than 9:00 a.m. on November 22, 2023, to a representative of the F5 project or to an individual approved by Pretrial Services for immediate transport to the F5 Project. Defendant's release shall be subject to the following conditions:

- 1.) Defendant shall not violate federal, state, tribal, or local law while on release.
- 2.) Defendant shall appear in court as required and must surrender to serve any sentence imposed.
- 3.) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer. Defendant shall contact Pretrial Services Officer Stephanie Cherney at (701) 530-2396 within 48 hours of release.
- 4.) Except upon prior approval from the Pretrial Services Officer, Defendant's travel is restricted to the Bismarck/Mandan area.

- 5.) Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
- 6.) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- 7.) Defendant shall not knowingly or intentionally have any direct or indirect contact with co-defendant(s), except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.
- 8.) Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.
- 9.) Defendant shall reside at the F5 Project and shall participate in its programs and abide by its rules and regulations.
- 10.) Defendant must sign all release forms to allow the Pretrial Services Officer to obtain information from the treatment facility OR to communicate with the facility staff about Defendant's progress in the program.

Any passes allowed by the treatment facility must be approved by the Pretrial Services Officer.

If for any reason Defendant is terminated from the treatment program, Defendant must immediately surrender to the custody of the United States Marshal.

At least 96 hours prior to anticipated competition of the treatment program, Defendant must immediately advise the Pretrial Services Officer of Defendant's anticipated competition date so the court may schedule a hearing to review Defendant's release status.

- 11.) Defendant shall submit Defendant's person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition. The Pretrial Services Officer may conduct a search under this condition only when reasonable suspicion exists that Defendant has violated a condition of release and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.
- 12.) Defendant shall maintain or actively seek employment. Employment must be approved by the Pretrial Services Officer.
- 13.) Defendant shall not obtain a passport and other foreign travel document(s).
- 14.) Defendant must report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

IT IS SO ORDERED.

Dated this 21st day of November, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court